



WISCONSIN STATE LEGISLATURE
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TO: Senate Committee on Agriculture, Small Business and Tourism
FROM: Representative Lee Nerison and Representative Travis Tranel
DATE: March 6, 2014
RE: Assembly Bill 746

Chairman Moulton and Members of the Committee:

Thank you for having a hearing today on AB 746, which addresses liability concerns for agricultural tourism providers. We have introduced this legislation at the request of the Wisconsin Agricultural Tourism Association, which is a member-driven association comprised of businesses or organizations interested in promoting agricultural tourism.

Agriculture and tourism are two of our top economic engines in Wisconsin, so it only makes sense that the two combine into what we call "agritourism." Today, less than one percent of our nation's consumers live on farms. Many Wisconsinites are four or five generations removed from the day-to-day operations of a farm. Agritourism provides a valuable opportunity for people to experience agriculture and to understand where their food comes from.

Often, these visitors are new to a farm setting and the inherent risks of agriculture, such as the unpredictable behavior of farm animals. To remove these inherent risks would significantly diminish the agritourism experience. Agricultural tourism providers are concerned about being sued for carrying out their day-to-day operations; that is why we have authored this legislation.

This summer, we read about an Iowa Supreme Court Case that ruled an Iowa dairy farm owner was liable for injuries incurred by a chaperone during a school group tour. The chaperone fell through a hole in a hayloft while touring the barn. The ruling stated that this activity did not fall under Iowa's recreational activity statute and therefore the farmer could be sued. After reading about what happened in Iowa and talking with agritourism providers, we felt it was necessary to clarify Wisconsin's laws which impact agritourism activities.

This legislation is very similar to laws on the books in twenty other states in that it limits liability for agricultural tourism providers as long as they post signage stating that there are inherent risks involved in the activity they are participating in. The bill does not extend immunity to civil liability for injury or death if the sign is not posted, or if the agritourism provider willfully or wantonly disregards safety, or intentionally causes injury.

Also, if someone provides agricultural tourism activities but does not receive more than \$2,000 annually for the purchase of products or goods, that provider falls under Wisconsin's recreational immunity statute.

AB 746 passed the Assembly with wide bi-partisan support by a margin of 85 to 9. Thank you for your consideration of these bills.